

Department of Community Planning and Economic Development – Planning Division**Variance Request
BZZ-2509****Date:** August 18, 2005**Applicant:** Paul Krawczyk**Address of Property:** 1223 Washburn Avenue North**Contact Person and Phone:** Paul Krawczyk, (612) 929-7758**Planning Staff and Phone:** Tanya Holmgren, (612) 673-5887**Date Application Deemed Complete:** July 21, 2005**End of 60 Day Decision Period:** September 19, 2005**Appeal Period Expiration:** August 29, 2005**Ward: 5 Neighborhood Organization:** Willard Hay Neighborhood Association**Existing Zoning:** R1 Single-family Residential District**Proposed Use:** A front addition to an existing single-family dwelling.**Proposed Variance:** A variance to reduce the required front yard setback along Washburn Avenue North from 54 ft. to 45 ft. and variance to reduce the required north interior side yard setback variance from 5 ft. to 3.7 ft. to allow for a second story addition to an existing single-family dwelling at 1223 Washburn Avenue North in the R1 Single-family Residential District.**Zoning code section authorizing the requested variance:** 525.520 (1)**Background:** The subject property is approximately 60 ft. by 301 ft. (18,060 sq. ft.) and consists of an existing single-family dwelling. The property is an interior lot. The applicant is requesting a variance to reduce the established front yard setback along Washburn Avenue North from 54 ft. to 45 ft. The neighbor to the south has a 49.9 ft. front setback and the neighbor to the north has a 67.2 ft. setback, the line connecting them requires the setback on the property to be located at 54 ft. from the front property line. The existing dwelling on the property is located at 45.2 ft. from the front property line and the proposed addition would be located above a previous addition with a flat roof at this setback. Due to the addition being entirely in front of the adjacent dwelling, both the front and side yard setback are required.

The applicant is requesting a variance to reduce the south interior side yard setback from 5 ft. to 3.5 ft. to allow for the construction of a second story addition to the front of the existing single-family dwelling above an existing addition. The proposed addition would be 11 ft. by 22 ft. with a gambrel roof line to match the existing dwelling. The applicant is proposing to add onto the existing dormer as well to provide a closet for the master bedroom addition. The applicant has stated that he has removed the existing siding and the new siding of the dwelling will be cedar.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback: The applicant is seeking a variance to reduce the required front yard setback along Washburn Avenue North from 54 ft. to 45.2 ft. to allow for a second story addition to an existing single-family dwelling. The adjacent dwelling to the north that is setback 67.2 ft. is located more than 60 ft. from the subject property. The adjacent property to the north is approximately 1.2 acres and consists of 3 platted lots. The front yard setback imposed on the single-family dwelling prevents the dwelling from adding a second story to an existing addition on the dwelling. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling in the required front yard. A second story addition to a single-family dwelling above an existing portion of the dwelling is a reasonable use of the property. A portion of existing dwelling is located in front of the adjacent dwelling, but is 24 ft. from the front property line in a district that requires a 25 ft. minimum setback.

Side yard setback: The applicant is seeking a variance to reduce the required north interior side yard setback variance from 5 ft. to 3.7 ft. to allow for a second story addition to an existing single-family dwelling. The existing dwelling on the subject property is located 3.7 ft. from the north interior side property line. Strict adherence to the regulations would not allow for the proposed addition to the existing single-family dwelling that will maintain the same setback as the existing dwelling. The applicant would have a difficult time locating the addition to meet the side yard setback due to the location of the existing wall.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwellings. As previously mentioned, the adjacent property is setback approximately 67 ft. from the front property line. This is a circumstance that is unique to this parcel and not created by the applicant. The alternative to the variance would cause an undue hardship to the property owner, by not allowing the proposed rear addition to a single-family dwelling. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant.

Side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the location of the existing dwelling. As previously mentioned, the subject dwelling is located 3.7 ft. from the interior side property line. This is unique to this parcel and not created by the applicant, because the setback is an existing circumstance. The alternative to the variance would cause a hardship to the property owner, by not allowing the proposed rear addition in the proposed location and match the setback of the existing dwelling. The location of the existing structures and the configuration of the lots are not circumstances created by the applicant. Additionally, the addition would be possible if the dwelling was not located within the front yard setback.

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- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Front and side yard setbacks: Staff believes the rear addition to the existing single-family dwelling will not substantially alter the essential character of the surrounding neighborhood. There are a number of properties in the neighborhood that are similarly located around 45 ft. from the front property line. Staff believes that the proposed addition will not be injurious to the use or enjoyment of other property in the vicinity because it is located above an existing portion of the dwelling and will be constructed in character with the dwelling. Although the addition will continue a line that is less than 5 ft. to the property line, the inclusion of windows on the structure will help reduce the impact on the adjacent structure. Staff believes the addition meets the intent of the ordinance and is characteristic of the dwelling. Additionally, when the applicant meets the window requirement with 5 percent on the interior side, 5 percent on the rear, and 15 percent along Washburn Avenue North, the house will meet all other requirements of the code, other than setbacks. Additionally, the majority of the dwellings on the block are located around 45 ft. from the front property line. The dwelling to the north of the subject property, is setback further than all other houses on the block.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front and side yard setbacks: Granting the front and side yard setback variances would likely have no impact on the congestion of area streets or fire safety, nor would the proposed addition to the existing single-family dwelling be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development -Planning Division:

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required front yard setback along Washburn Avenue North from 54 ft. to 45 ft. and **approve** the variance to reduce the required north interior side yard setback variance from 5 ft. to 3.7 ft. to allow for a second story addition to an existing single-family dwelling at 1223 Washburn Avenue North in the R1 Single-family Residential District subject to the following conditions:

1. Review and approval of final site and elevation plans by the Planning Department.
2. That the exterior materials of the addition match the existing dwelling.
3. That the addition meets the requirement of at least five percent windows to the interior side and rear.